# IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

## W. P. NO. 3378 OF 2004

**PETITIONER**

1. Anguri Devi Mamanchand Global Educational & Welfare, Society, a society registered By the Registrar of Societies Under MP [CG] Societies Registrikaran Adhiniyam1973 Bearing Registration No.2835 & having its Office at B-3, Gulmohar Vatika, New Purena NearAnmol Super Bazar Road Ring Road, Raipur through its Vice Chairman, Raipur, District Raipur [Chhattisgarh]

P.R. No. 3350/04
Presented by Shri Rajesh Singh
dated 1-9-04

2. Chhattisgarh University through its Vice Chairman/ B-3, Gulmohar Vatika, New Purena, Near Anmol Super Bazar Rd., Ring Road, Raipur.

RECEIVED COPY 1/9/04
Clerk to A. G. Bilaspur

**VERSUS**

**RESPONDENTS**

1. State of Chhattisgarh through Secretary, Department of Higher Education, Mantralaya, Dau Kalyan Singh Bhawan, Raipur [Chhattisgarh]

2. Chhattisgarh Niji Kshetra Vishwa Vidyalaya Viniyamak Ayog, through its Chairman Mantralaya, Dau Kalyan Singh Bhawan, Raipur [Chhattisgarh]

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:**

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(103)

**मामला क्रमांक** W.P. 3379 **सन् 2004**

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

**DIVISION BENCH:**

**HON'BLE SHRI A.K. PATNAIK, CJ**
**& HON'BLE SHRI SUNIL KUAMR SINHA, J.**

**25.06.2005:**

Heard Mr. Manindra Shrivastava, Sr. Advocate with Mr. Afroz Khan, learned counsel for the petitioners, Mr. P.S. Koshy, learned Dy. Advocate General for the State of Chhattisgarh.

In this writ petition the petitioners have challenged the constitutional validity and vires of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2004 by which the provisions of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 are sought to be amended.

By a judgment of the Supreme Court dated 11.02.2005 delivered in Writ Petition (Civil) No.19 of 2004 (Professor Yashpal & Others vs. State of Chhattisgarh & Others), the Supreme Court has declared the provisions of Sections 5 & 6 of the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 as ultra vires the Constitution and has also quashed the notifications issued by the State Government in the Gazette in the purported exercise of the power under Section 5 of the aforesaid Act notifying the universities and also held that the universities shall cease to exist.

In view of the said judgment of the Supreme Court dated 11.02.2005, this writ petition does not survive and accordingly the same is dismissed.

**Sd/-**
**Chief Justice**

**Sd/-**
**Sunil Kumar Sinha**
**Judge**

Subbu

SP/FS/2005 - 20,000

13.7.05